

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
NO. 5:14-CR-48

UNITED STATES OF AMERICA,)
)
)
)
)
v.)
)
BOBBY RAY COFFEY,)
)
)
Defendant.)
)
)

ORDER

On February 25, 2016, this Court indicated that it intended to classify Coffey's filing under 28 U.S.C. § 2241. It asked Coffey and the United States to express their intent with regard to Coffey's filing. The Court indicated that “[j]udicial review must be sought under 28 U.S.C. § 2241 in the district of confinement rather than in the sentencing court.” (Doc. 171) (quoting *United States v. Miller*, 871 F.2d 488, 490 (4th Cir. 1989)).

The United States responded on March 4, 2016 and indicated that it agreed that Coffey's filing should be construed under 28 U.S.C. § 2241 and that the proper venue for this matter is the United States District Court for the Middle District of Florida, Ocala Division. (Doc. 173). Coffey also responded and indicated that he wanted his filing construed under 28 U.S.C. § 2241 and that the matter should be transferred to the same place. (Doc. 174). Coffey affirmatively asked this Court to transfer this matter. (*Id.*).

Rather than transferring, this Court will dismiss the petition without prejudice with leave to refile in the correct district.

SO ORDERED.

Signed: March 30, 2016



Richard L. Voorhees
United States District Judge

